

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 777

Introduced by Senator Calderon

February 22, 2013

An act to add Section 13084 to the Government Code, to amend Sections 12556, 12726, 25147.7, and 25205.3 of, to add Sections 12599.5 and 12635.5 to, and to add Chapter 3.5 (commencing with Section 12559) to Part 2 of Division 11 of, the Health and Safety Code, and to amend Section 15301 of the Vehicle Code, relating to fireworks public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 777, as amended, Calderon. ~~Fireworks.~~ *Public safety: fireworks.*

Existing law authorizes the retail sale of safe and sane fireworks from June 28 to July 6, annually, pursuant to a license issued by the State Fire Marshal, unless otherwise prohibited or regulated by law or ordinance. Existing law requires various entities, including the State Fire Marshal, to seize certain prohibited fireworks. Existing law requires an authority that seizes fireworks to notify the State Fire Marshal of the seizure and provide specified information. Existing law requires the State Fire Marshal to dispose of the fireworks and requires dangerous fireworks to be disposed of according to specified procedures. Existing law requires the State Fire Marshal to acquire and use statewide mobile dangerous fireworks destruction units to collect and destroy dangerous fireworks from local and state agencies.

This bill would require the State Fire Marshal, by January 1, 2015, to establish and have operational regional collection centers for the purpose of receiving seized safe and sane and federally approved fireworks. The bill would authorize the State Fire Marshal to permit a

recognized 3rd party testing entity, as defined, to purchase any fireworks the entity deems to be commercially viable. The bill would require the fireworks stored at the regional collection facility to be subject to certain requirements, including that they be stored for a period of not more than 90 days.

This bill would authorize, beginning January 1, 2015, the sale of certified safe and sane fireworks from 9 a.m. on December 26 to 11:59 p.m. on January 1 of the following year pursuant to a license issued by the State Fire Marshal, if authorized by a charter city, city, county, fire protection district, or city and county ordinance or resolution that may also restrict the hours of use of those fireworks. Since a violation of this provision or other existing related provisions in connection with the sale of those fireworks would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes.

The bill would also authorize a charter city, city, county, fire protection district, or city and county that adopts an ordinance or resolution authorizing the sale of safe and sane fireworks to require each applicant receiving a permit to pay a fee to the charter city, city, county, fire protection district, or city and county of a pro rata portion of the actual and reasonable costs incurred, on or before January 1, 2015, by the charter city, city, county, fire protection district, or city and county for, among other things, processing and issuing fireworks permits, inspection of fireworks stands, public awareness and education campaigns regarding the safe and responsible use of safe and sane fireworks, and related fire operation and suppression efforts, as specified. The bill would specify that the pro rata portion of those costs shall be based on a percentage of the permittee's sales and use tax return for the applicable permit period, not to exceed 7% of the gross sales of the fireworks sold in the charter city, city, county, fire protection district, or city and county, except that a cost recovery ordinance or resolution in effect on or before January 1, 2015, would be authorized to supersede that provision.

Existing law provides that if dangerous fireworks are seized pursuant to a local ordinance that provides for administrative fines or penalties and these fines or penalties are collected, the local government entity collecting the fines or penalties shall forward 65% of the collected moneys to the Controller for deposit in the State Fire Marshal Fireworks Enforcement and Disposal Fund.

This bill would delete this provision.

Existing law imposes various fees and charges upon the management of hazardous waste, which money is deposited in the Hazardous Waste Control Account in the General Fund and is available, upon appropriation by the Legislature, for, among other things, hazardous waste management. These fees and charges are generally not applicable to hazardous wastes generated or disposed of by public agencies or as part of a public program, or to hazardous waste management facilities that are affiliated with a public agency or public program, as specified.

This bill would include within the list of hazardous wastes and facilities that are not subject to the above fees and charges (1) hazardous waste that results from the seizure or destruction of illegal fireworks by the State Fire Marshal or other authorized government fire protection agency and (2) a mobile fireworks treatment unit used by the State Fire Marshal to destroy illegal fireworks.

The bill would require, on or before January 1, 2015, the State Fire Marshal to collect and analyze data relating to fires, damages, seizures, arrests, administrative citations, and fireworks disposal issues caused by the sale and use of both dangerous illegal fireworks and safe and sane fireworks.

Existing law requires the Department of Motor Vehicles to suspend the commercial license of a person transporting dangerous fireworks, as specified.

This bill would clarify that those provisions do not apply to a person with a valid license under the State Fireworks Law, as specified.

Existing law provides that the Department of Finance has general powers of supervision over all matters concerning the financial and business policies of the state.

This bill would require, for purposes of monitoring the budgets of the Department of Forestry and Fire Protection and the Department of Toxic Substances Control, the director to create a plan for modifying the budget process to increase efficiency and focus on accomplishing program goals. The bill would require the plan to include certain things, including ways to ensure transparency about program goals, outcomes, and funding.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would state that it is the intent of the Legislature to enact subsequent legislation that would reform the state's response to and management of the issue of dangerous, illegal fireworks by requiring, among other things, the State Fire Marshal to review and approve a plan to collect and analyze relevant data relating to fires, damages, seizures, arrests, administrative citations, and fireworks disposal issues caused by the sale and use of fireworks.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13084 is added to the Government Code,
2 to read:
3 13084. (a) For purposes of monitoring the budgets of the
4 Department of Forestry and Fire Protection and the Department
5 of Toxic Substances Control, the director shall create a plan for
6 modifying the budget process to increase efficiency and focus on
7 accomplishing program goals. The plan shall be developed in
8 collaboration with the Director of the Department of Forestry and
9 the Director of the Department of Toxic Substances Control.
10 (b) The plan shall include all of the following:
11 (1) A strategy to incorporate program evaluation methods into
12 the budget process for selected activities and programs. These
13 methods shall include zero-based budgeting, performance
14 measures, strategic planning, audits, cost-benefit analyses, and
15 program reviews.
16 (2) Ways to ensure transparency about program goals,
17 outcomes, and funding.
18 (3) A process for collaborating with the Legislature, particularly
19 in establishing program goals and measuring program outcomes.
20 (4) A structure to work with local governments to develop
21 methods to measure and evaluate performance of state-funded,
22 locally administered programs.
23 (5) An implementation timeline beginning with the release of
24 the 2014–2015 Governor's Budget.
25 SEC. 2. Section 12556 of the Health and Safety Code is
26 amended to read:
27 12556. (a) In addition to the obligations described in Section
28 13110.5, on or before July 1, 2008, the State Fire Marshal shall

1 identify and evaluate methods to capture more detailed data relating
2 to fires, damages, and injuries caused by both dangerous fireworks
3 and safe and sane fireworks. These evaluation methods shall
4 include a cost analysis related to capturing and reporting the data
5 and shall meet or exceed the specificity, detail, and reliability of
6 the data captured under the former California Fire Incident
7 Reporting System (CFIRS). The State Fire Marshal shall furnish
8 a copy of these evaluation methods to any interested person upon
9 request.

10 (b) *On or before January 1, 2015, the State Fire Marshal shall*
11 *collect and analyze data relating to fires, damages, seizures,*
12 *arrests, administrative citations, and fireworks disposal issues*
13 *caused by the sale and use of both dangerous illegal fireworks and*
14 *safe and sane fireworks.*

15 SEC. 3. Chapter 3.5 (commencing with Section 12559) is added
16 to Part 2 of Division 11 of the Health and Safety Code, to read:

17
18 CHAPTER 3.5. FIREWORKS SELL-BACK PROGRAM
19

20 12559. (a) *By January 1, 2015, the State Fire Marshal shall*
21 *establish and have operational regional collection centers for*
22 *purposes of receiving seized safe and sane fireworks and federally*
23 *approved consumer fireworks by local authorities.*

24 (b) *The regional collection centers shall be located throughout*
25 *the state in an amount and in locations determined by the State*
26 *Fire Marshal.*

27 12559.1. (a) *Notwithstanding any other law, including Sections*
28 *12723 and 12726, a local authority or the State Fire Marshal may*
29 *transfer seized safe and sane fireworks and federally approved*
30 *fireworks to a regional collection center.*

31 (b) *Notwithstanding any other law, safe and safe or federally*
32 *approved fireworks transferred to a regional collection center*
33 *shall be deemed "hazardous material" until a recognized third*
34 *party testing entity makes the determination pursuant to subdivision*
35 *(c).*

36 (c) (1) *The State Fire Marshal is authorized to permit a*
37 *recognized third party testing entity to enter the regional collection*
38 *center for purposes of determining whether any seized fireworks*
39 *are either commercially viable or hazardous waste.*

1 (2) Any firework deemed commercially viable may be
2 repackaged by the State Fire Marshal or the Marshal's designee,
3 including, but not limited to, a state licensed fireworks importer
4 or exporter, a wholesaler purchasing the product pursuant to
5 subdivision (d), the recognized third party testing authority, or a
6 licensed hazardous materials or hazardous waste hauler.

7 (3) Any product deemed not commercially viable by the third
8 party testing authority shall be removed from the regional
9 collection center by the State Fire Marshal or the Marshal's
10 designee and transported and disposed of within 72 hours of the
11 determination in accordance with existing state and federal laws
12 and regulations relating to the transportation and disposal of
13 hazardous waste.

14 (d) The State Fire Marshal shall authorize the recognized third
15 party testing entity to purchase any fireworks it deems to be
16 commercially viable.

17 (e) For purposes of this section, "recognized third party testing
18 entity" means a California licensed fireworks wholesaler or a
19 California licensed fireworks importer or exporter.

20 12559.2. Any fireworks stored at a regional collection center
21 shall be subject to the requirements of the National Fire Protection
22 Association (NFPA) 1124: Code for the Manufacture,
23 Transportation, Storage, and Retail Sales of Fireworks and
24 Pyrotechnic Articles of 2013, and may be stored for a period not
25 to exceed 90 days. The regional collection centers shall be deemed
26 exempt facilities under subdivision (b) of Section 25123.3 and Title
27 22 of the California Code of Regulations.

28 12559.3. The State Fire Marshal shall train local fire and law
29 enforcement personnel on the requirements of this chapter.

30 SEC. 4. Section 12599.5 is added to the Health and Safety
31 Code, to read:

32 12599.5. (a) Notwithstanding Sections 12599 and 12672, the
33 State Fire Marshal shall issue separate one-time retail licenses
34 pursuant to this section that shall authorize the retail sale of safe
35 and sane fireworks within this state only from 9 a.m. on December
36 26 to 11:59 p.m. on January 1 of the following year, inclusive. A
37 license issued pursuant to this section shall be valid for only one
38 seven-day period and shall expire at the end of the period for which
39 it is valid. All fireworks sold pursuant to a license issued pursuant
40 to this section shall have been certified as safe and sane by the

1 *State Fire Marshal on or before June 15 of the year in which the*
2 *validity of the license commences. No other license issued pursuant*
3 *to this chapter shall authorize the sale of fireworks during that*
4 *period.*

5 *(b) A retail license shall not be issued for the license period*
6 *authorized by this section unless the charter city, city, county, fire*
7 *district, or city and county having jurisdiction over the fixed*
8 *location where the fireworks would be sold adopts an ordinance*
9 *or resolution allowing that sale, and the application for that license*
10 *is received by the State Fire Marshal on or before December 15*
11 *of the year in which the validity of the license is to commence. The*
12 *ordinance or resolution authorizing the sale of those fireworks*
13 *may limit the period of use of those fireworks to specified days*
14 *and hours within the period during which the sale is authorized*
15 *by this section.*

16 *(c) This section shall become operative on January 1, 2015.*

17 *SEC. 5. Section 12635.5 is added to the Health and Safety*
18 *Code, to read:*

19 *12635.5. (a) A charter city, city, county, fire protection district,*
20 *or city and county that adopts an ordinance or resolution pursuant*
21 *to Section 12599 or 12599.5 may, through adoption of an*
22 *ordinance or resolution by the governing body, require each*
23 *applicant receiving a permit to pay a fee to the charter city, city,*
24 *county, fire district, or city and county of a pro rata portion of the*
25 *actual and reasonable costs the charter city, city, county, fire*
26 *protection district, or city and county incurs on or before January*
27 *1, 2015, related to any of the following:*

28 *(1) Processing and issuing permits.*

29 *(2) Inspection of fireworks stands.*

30 *(3) Public education and awareness campaigns regarding the*
31 *safe and responsible use of safe and sane fireworks, and the*
32 *dangers and risks posed by the use of illegal fireworks.*

33 *(4) Enforcing the provisions of the code of the charter city, city,*
34 *county, fire protection district, or city and county with respect to*
35 *the sale and use of safe and sane fireworks, including extra*
36 *personnel time and cleanup of the fireworks trash and debris.*
37 *“Extra personnel time” means employee or contracted employee*
38 *time that the charter city, city, county, fire protection district, or*
39 *city and county would not otherwise incur but for the sale and use*
40 *of safe and sane fireworks.*

1 (5) *Fire operation and suppression efforts that are directly*
2 *related to safe and sane fireworks.*

3 (b) *The pro rata share of the costs shall be specified in the*
4 *ordinance or resolution and calculated using gross sales as shown*
5 *on each permittee's sales and use tax return for the applicable*
6 *period. The pro rata share of costs shall not exceed 7 percent of*
7 *the gross sales of the fireworks sold in the charter city, city, county,*
8 *fire protection district, or city and county during the applicable*
9 *period. A cost recovery ordinance or resolution in effect on or*
10 *before January 1, 2015, may supersede this subdivision.*

11 SEC. 6. *Section 12726 of the Health and Safety Code is*
12 *amended to read:*

13 12726. (a) The dangerous fireworks seized pursuant to this
14 part shall be disposed of by the State Fire Marshal in the manner
15 prescribed by the State Fire Marshal at any time after the final
16 determination of proceedings under Section 12724, or upon final
17 termination of proceedings under Section 12593, whichever is
18 later. If no proceedings are commenced pursuant to Section 12724,
19 the State Fire Marshal may dispose of the fireworks after all of the
20 following requirements are satisfied:

21 (1) A random sampling of the dangerous fireworks has been
22 taken, as defined by regulations adopted by the State Fire Marshal
23 pursuant to Section 12552.

24 (2) The analysis of the random sampling has been completed.

25 (3) Photographs have been taken of the dangerous fireworks to
26 be destroyed.

27 (4) The State Fire Marshal has given written approval for the
28 destruction of the dangerous fireworks. This approval shall specify
29 the total weight of the dangerous fireworks seized, the total weight
30 of the dangerous fireworks to be destroyed, and the total weight
31 of the dangerous fireworks not to be destroyed.

32 (b) To carry out the purposes of this section, the State Fire
33 Marshal shall acquire and use statewide mobile dangerous
34 fireworks destruction units to collect and destroy seized dangerous
35 fireworks from local and state agencies.

36 ~~(c) If dangerous fireworks are seized pursuant to a local~~
37 ~~ordinance that provides for administrative fines or penalties and~~
38 ~~these fines or penalties are collected, the local government entity~~
39 ~~collecting the fines or penalties shall forward 65 percent of the~~
40 ~~collected moneys to the Controller for deposit in the State Fire~~

1 ~~Marshal Fireworks Enforcement and Disposal Fund, as described~~
2 ~~in Section 12728.~~

3 *SEC. 7. Section 25174.7 of the Health and Safety Code is*
4 *amended to read:*

5 25174.7. (a) The fees provided for in Sections 25174.1 and
6 25205.5 do not apply to any of the following:

7 (1) Hazardous wastes ~~which~~ *that* result when a government
8 agency, or its contractor, removes or remedies a release of
9 hazardous waste in the state caused by another person.

10 (2) Hazardous wastes generated or disposed of by a public
11 agency operating a household hazardous waste collection facility
12 in the state pursuant to Article 10.8 (commencing with Section
13 25218), including, but not limited to, hazardous waste received
14 from conditionally exempt small quantity commercial generators,
15 authorized pursuant to Section 25218.3.

16 (3) Hazardous wastes generated or disposed of by local vector
17 control agencies which have entered into a cooperative agreement
18 pursuant to Section 116180 or by county agricultural
19 commissioners, if the hazardous wastes result from their control
20 or regulatory activities and if they comply with the requirements
21 of this chapter and regulations adopted pursuant thereto.

22 (4) Hazardous waste disposed of, or submitted for disposal or
23 treatment, by any person, which is discovered and separated from
24 solid waste as part of a load checking program.

25 (5) *Hazardous waste that results from the seizure or destruction*
26 *of illegal fireworks by the State Fire Marshal or other authorized*
27 *government fire protection agency pursuant to Section 12721.*

28 (b) Notwithstanding paragraph (1) of subdivision (a), any person
29 responsible for a release of hazardous waste, which has been
30 removed or remedied by a government agency, or its contractor,
31 shall pay the fee pursuant to Section 25174.1.

32 (c) Any person who acquires land for the sole purpose of
33 owner-occupied single-family residential use, and who acquires
34 that land without actual or constructive notice or knowledge that
35 there is a tank containing hazardous waste on or under that
36 property, is exempt from the fees imposed pursuant to Sections
37 25174.1; ~~and 25205.5; and 25345;~~ in connection with the removal
38 of the tank.

39 *SEC. 8. Section 25205.3 of the Health and Safety Code is*
40 *amended to read:*

1 25205.3. The following facilities are exempt from the fees
2 imposed by this article:

3 (a) Any household hazardous waste collection facility operated
4 pursuant to Article 10.8 (commencing with Section 25218).

5 (b) Any facility operated by a local government agency, or by
6 any person operating a hazardous waste collection program under
7 an agreement with a public agency, which is used for wastes which
8 meet the requirements of paragraph (3) of subdivision (a) of Section
9 25174.7.

10 (c) That portion of a solid waste facility permitted pursuant to
11 Chapter 3 (commencing with Section 44001) of Part 4 of Division
12 30 of the Public Resources Code, which is used for the segregation,
13 handling, and storage of hazardous waste separated from solid
14 waste loads received by the facility, pursuant to a load checking
15 program.

16 (d) A facility used solely for the treatment, storage, disposal,
17 or recycling of hazardous waste which results when a public agency
18 or its contractor investigates, removes, or remedies a release of
19 hazardous waste caused by another person.

20 (e) *A mobile fireworks treatment unit used by the office of the*
21 *State Fire Marshal to destroy illegal fireworks pursuant to Section*
22 *12721.*

23 ~~(e)~~

24 (f) (1) For purposes of fees assessed in any reporting period
25 beginning July 1, 1990, or subsequently, a facility which has been
26 issued a permit for the purpose of storing hazardous waste onsite,
27 and whose permit has expired, if all of the following has occurred:

28 (A) The facility has received no waste from offsite since the
29 permit expired.

30 (B) The owner or operator gave the department timely
31 notification of intent to close the facility, pursuant to regulations
32 adopted by the department.

33 (C) At least 90 days have elapsed since the owner or operator
34 gave the department that notification.

35 (D) The department did not complete its review of the closure
36 plan within 90 days of receiving the notification.

37 (2) This exclusion shall take effect the reporting period
38 following the reporting period in which the facility first satisfied
39 the requirements of paragraph (1) and did not accumulate waste
40 onsite for more than 90 consecutive days.

1 *SEC. 9. Section 15301 of the Vehicle Code is amended to read:*

2 15301. (a) The Department of Motor Vehicles, in conjunction
3 with the State Fire Marshal, shall develop regulations and
4 procedures to temporarily suspend the commercial motor vehicle
5 license of a person who is operating a commercial motor vehicle
6 while transporting dangerous fireworks having a gross weight of
7 10,000 pounds or more. ~~A~~

8 (b) A driver of a commercial motor vehicle shall not operate a
9 commercial motor vehicle for three years if the driver is convicted
10 of transporting dangerous fireworks having a gross weight of
11 10,000 pounds or more.

12 (c) *This section shall not apply to a person who holds and is*
13 *operating within the scope of a valid license as described in Section*
14 *12516 of the Health and Safety Code or valid permit as described*
15 *in Section 12522 of the Health and Safety Code.*

16 *SEC. 10. No reimbursement is required by this act pursuant*
17 *to Section 6 of Article XIII B of the California Constitution because*
18 *the only costs that may be incurred by a local agency or school*
19 *district are the result of a program for which legislative authority*
20 *was requested by that local agency or school district, within the*
21 *meaning of Section 17556 of the Government Code and Section 6*
22 *of Article XIII B of the California Constitution.*

23 ~~SECTION 1. The Legislature hereby finds and declares the~~
24 ~~following:~~

25 ~~(a) California needs a multipronged, omnibus reform to update~~
26 ~~the state's response to and management of dangerous, illegal~~
27 ~~fireworks. The reform should address the following elements:~~

28 ~~(1) Management and disposal of pyrotechnic products.~~

29 ~~(2) Data collection regarding amounts and types of fireworks~~
30 ~~that result in fires and injuries as well as those that are collected~~
31 ~~and stored by local agencies across California.~~

32 ~~(3) The degree of and need for an enhanced level of cooperation~~
33 ~~and coordination between federal, state, and local public safety~~
34 ~~agencies in the handling of these products.~~

35 ~~(4) The level of training of local fire and law enforcement~~
36 ~~personnel.~~

37 ~~(5) Mandates on state agencies to identify alternative disposal~~
38 ~~technologies and incentivizing the private sector to develop the~~
39 ~~same.~~

~~(6) Assistance in maximizing full implementation of Chapter 563 of the Statutes of 2007 (Senate Bill No. 839 of the 2007-08 Regular Session; hereafter SB 839) in local jurisdictions as well as within state agencies.~~

~~(7) The enactment of the cleanup and corrective language for provisions enacted by SB 839 that was proposed in Senate Bill No. 1346 of the 2007-08 Regular Session, as amended April 1, 2008 (hereafter SB 1346).~~

~~(8) Efforts to identify and secure new avenues of General Fund and special fund revenues to underwrite responsibilities associated with these elements of reform.~~

~~(b) It is the intent of the Legislature to enact subsequent legislation that would do the following:~~

~~(1) By an unspecified date, require the State Fire Marshal, by and through its Fireworks Advisory Committee-approved National Fire Incident Reporting Systems Fire Incident Software vendors, to review and approve a plan to collect and analyze relevant data relating to fires, damages, seizures, arrests, administrative citations, and fireworks disposal issues caused by the sale and use of both dangerous fireworks and safe and sane fireworks during the July 4 and New Year periods.~~

~~(2) Relieve the Office of the State Fire Marshal of having the sole responsibility to collect and destroy dangerous fireworks and make appropriate changes in the Health and Safety Code, which may include, but are not limited to, changes in Sections 12706, 12723, 12724, and 12726.~~

~~(3) Authorize local jurisdictions and their public safety agencies to manage their own fireworks stockpile by adopting one or more of the following approaches or provisions:~~

~~(A) Implementation of SB 839 by local governments to bolster enforcement efforts and revenue generation.~~

~~(B) Implementation of a State Fire Marshal-approved disposal road map for correct storage and disposal techniques and viable and safe disposal and storage options that may include, but are not limited to:~~

~~(i) Implementing regional systems by which to store dangerous fireworks that are temporarily being held pending collection by an authorized disposal entity.~~

1 (ii) ~~Encouraging relationships with disposal companies to~~
2 ~~manage the transportation and disposal of California's dangerous~~
3 ~~fireworks.~~

4 (iii) ~~Authorizing local governments to resell or give back unused,~~
5 ~~safely packaged fireworks to California licensed firework importers~~
6 ~~and exporters, wholesalers, or both, subject to specified conditions.~~

7 (4) ~~Improve and update training of local fire and law~~
8 ~~enforcement personnel to enhance their knowledge of up-to-date~~
9 ~~fireworks and explosive technologies.~~

10 (5) ~~Improve information sharing between federal, state, and~~
11 ~~local public safety agencies and the fireworks industry regarding~~
12 ~~explosive materials and testing to enhance hazardous waste and~~
13 ~~hazardous material classifications.~~

14 (6) ~~Explore alternative disposal technologies, such as mobile~~
15 ~~units and enhancement to current municipal waste incinerators, to~~
16 ~~reduce the costs of shipping hazardous materials out of state.~~

17 (7) ~~Enact cleanup and corrective language for provisions enacted~~
18 ~~by SB 839 as proposed in SB 1346.~~

19 (8) ~~Authorize a local jurisdiction to recover the costs that it may~~
20 ~~incur for fire operation and suppression efforts directly related to~~
21 ~~safe and sane fireworks.~~

22 (9) ~~Reaffirm that the cost associated with disposal of illegal~~
23 ~~fireworks is a General Fund responsibility and liability and~~
24 ~~appropriate moneys to the budget of the State Fire Marshal or other~~
25 ~~agencies accordingly.~~

26 (10) ~~Reexamine the existing pyrotechnic license fee structure~~
27 ~~in California and make recommendations, including for potential~~
28 ~~license fee increases with mandatory biannual reviews and audits~~
29 ~~on these fee amounts, examine how and where these license fees~~
30 ~~are being spent, and examine whether the retail license fee should~~
31 ~~be converted to an annual fee.~~

32 (11) ~~Provide for a safe and sane fireworks sales period between~~
33 ~~Christmas and New Year each year, subject to local option, that~~
34 ~~would not become operative until the successful deployment of~~
35 ~~the enhanced data collection and disposal provisions described in~~
36 ~~this section are implemented.~~

37 (e) ~~Consistent with Governor Brown's Executive Order B-13-11,~~
38 ~~it is the intent of the Legislature to enact subsequent legislation~~
39 ~~that would require performance measures, data collection, and~~
40 ~~program oversight review necessary to assure the Governor, the~~

- 1 public, and stakeholders, that the revenues raised by both the
- 2 existing as well as the proposed fireworks license fees and General
- 3 Fund appropriations are being judiciously spent for the anticipated
- 4 deliverables.

O